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THOMAS F. McFARLAND

November 18, 2004

Vernon A. Williams, Secretary
Surface Transportation Board
Case Control Unit, Suite 713
1925 K Street, N.W.
Washington, DC 20423-0001



Re: Docket No. AB-882, *City of New Brighton, Minnesota -- Adverse Abandonment and Discontinuance -- Minnesota Commercial Railway in Ramsey County, MN*

Dear Mr. Williams:

On November 4, 2004, Minnesota Commercial Railway Company filed a Reply to Petition for Waiver and Exemption (Reply) in the above proceeding. At pages 5 and 6 of the Reply, a line of decisions was cited in which the Board has denied applications for adverse abandonment where the rail carrier operating the line has expressed a desire to continue operations and has taken reasonable steps to acquire traffic.

On November 18, 2004, the Board issued a decision in its Docket No. AB-400 (Sub-No. 4), *Seminole Gulf Railway, LP -- Adverse Abandonment -- in Lee County, FL*, in which an application for adverse abandonment was denied on the same grounds relied on in that line of decisions. The Board is hereby respectfully requested to take official notice of that decision in considering the application for adverse abandonment that is said to be imminent in the docket captioned above.

Ten copies accompany the original of this request for official notice. All parties are being served. Kindly acknowledge receipt by date stamping the enclosed duplicate copy of this letter and return in the self-addressed stamped envelope.

Very truly yours,

Tom McFarland

Thomas F. McFarland
Attorney for Minnesota Commercial
Railway Company

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cc: John D. Heffner, Esq.
Mr. John Gohmann, w/copy of decision

ENTERED
Office of Proceedings

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Public Record